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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Carlos Antonio Garcia-Hurtado,

10 Petitioner,

11 v.

12 USA,

13 Respondent.
14

No. CV-16-00457-PHX-GMS

ORDER

15 Pending before the Court are Petitioner's Motion to Vacate, Set Aside, or Correct
16 Sentence and United States Magistrate Judge David K. Duncan's Report and
17 Recommendation ("R&R") (Docs. 1, 21). The R&R recommends that the Court deny the
18 Motion (Doc. 21 at 4). The Magistrate Judge advised the parties that they had fourteen
19 days to file objections to the R&R and that failure to file timely objections could be
20 considered a waiver of the right to obtain review of the R&R. *Id.* at 4 (citing 28
21 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d
22 1114, 1121 (9th Cir. 2003)).

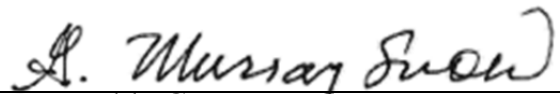
23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
27 determine de novo any part of the magistrate judge's disposition that has been properly
28 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
4 district judge may accept, reject, or modify the recommended disposition; receive further
5 evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS HEREBY ORDERED:**

- 7 1. Magistrate Judge Duncan’s R&R (Doc. 21) is **accepted**.
8 2. Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence (Doc. 1) is
9 **denied**.
10 3. The Clerk of Court shall **terminate** this action.
11 4. In the event Petitioner files an appeal, the Court declines to issue a
12 certificate of appealability because Petitioner has not made a substantial showing of the
13 denial of a constitutional right.

14 Dated this 2nd day of May, 2017.

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16 _____
17 Honorable G. Murray Snow
18 United States District Judge
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